IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 222 OF 2006

IN

WRIT PETITION NO. 373 OF 2003

SHRI JOSCE LUIS ALIAS JOSCE COMENIO LUIS AND 2 ORS., ...Applicants

Versus

SHRI FRANCISCO ALBERTO LOURENCO D'CUNHA AND 4 ORS., ...Respondents

Mr. F. M. Reis with C.S. Da Silva
for the applicants.

Mrs.A.A.Agni for respondent No.1.

Mr.Valmiki Menezes for respondent No.2.

Coram:- V.C. DAGA, J.

Date:- 9th August, 2006

P.C. :

Heard learned counsel for the rival parties.

This application for substitution is to substitute the deceased petitioner. The application is within time. Since the right to sue survives in favour of the legal heirs of the petitioner they could be brought on record. The civil application is, therefore, allowed. Necessary amendment to be carried out within two weeks from today.

So far as the written objection filed by respondent No.2 is concerned, the same is taken on record. It would be open for respondent No.2 to address this Court on effect of lis; as and when the petition would be taken up for final hearing.

V.C. DAGA, J.

SK